

REMARKS

By this response, Applicants have amended claim 33 and canceled claim 34, without prejudice. As a result, claims 11-12, 14, 21-33 and 35-38 are pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims, or claims that are potentially broader in scope, in the current and/or a related patent application. Reconsideration in view of the following remarks is respectfully requested.

In the Final Office Action, the Office allows claims 11, 12, 14, and 21-32, and indicates that claim 34 includes allowable subject matter. Applicants thank the Examiner for the indication of allowable subject matter in these claims.

However, the Office rejects claims 33 and 35-38 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,672,852 (Pyke) in view of U.S. Patent No. 7,017,389 (Gouma). Initially, Applicants thank the Examiner for his time in conducting a telephone interview with Applicants' undersigned representative on 4 January 2008. During the telephone interview, the Office's rejection of claim 33 and interpretation of Gouma was discussed. In particular, Applicants' representative noted that Gouma is silent with respect to any benefits provided by a GaN substrate to the sensing process, apart from mechanically holding the sensing layer and electrodes in place. The Examiner indicated that Gouma was merely being used for its GaN substrate. During the interview, no exhibits were presented, and no agreement was reached as a result of the interview.

**Reply under 37 CFR 1.116
Expedited Procedure
Technology Center 2800**

By this response, Applicants have amended claim 33 to include the limitations of claim 34, which was indicated as allowable. As a result, Applicants respectfully request withdrawal of the rejections of claim 33 and claims 35-38, which depend therefrom, as allegedly being unpatentable over Pyke in view of Gouma.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

John W. LaBatt, Reg. No. 48,301
Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile

Dated: 4 January 2008